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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DETENTION WATCH NETWORK and
CENTER FOR CONSTITUTIONAL RIGHTS,

Plaintiffs,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT and UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

No. 14 Civ. 583 (LGS)

**STIPULATION AND ORDER PARTIALLY RESOLVING
PLAINTIFFS' REQUEST FOR ATTORNEYS' FEES AND COSTS**

WHEREAS, on November 25, 2013, Plaintiffs Detention Watch Network and the Center for Constitutional Rights (collectively, "Plaintiffs") made requests (the "Requests") pursuant to the Freedom of Information Act ("FOIA") to U.S. Immigration and Customs Enforcement ("ICE") and the U.S. Department of Homeland Security ("DHS," and together with ICE, the "Agencies");

WHEREAS, on January 30, 2014, Plaintiffs filed a complaint in the instant action against the Agencies, seeking to compel the Agencies to produce documents in response to their Requests, ECF No. 1-1;

WHEREAS, the Agencies produced responsive documents to Plaintiffs and withheld certain responsive documents as exempt in whole or in part;

WHEREAS, Plaintiffs and the Agencies (together, the "Parties") each cross-moved for partial summary judgment, and on July 14, 2016, this Court ordered ICE to produce certain

information that had previously been withheld from a specific set of documents, ECF No. 123 (the “Partial Summary Judgment Order”);

WHEREAS, on September 1, 2016, this Court granted the motions of GEO Group, Inc. (“GEO”) and CoreCivic (at that time known as Corrections Corporation of America) (together, the “Intervenors”) to intervene in this case, ECF No. 141;

WHEREAS, on September 9, 2016, the Intervenors, but not the Agencies, appealed the Partial Summary Judgment Order (the “Intervenors’ Appeal”) to the United States Court of Appeals for the Second Circuit (the “Second Circuit”), ECF No. 142;

WHEREAS, the Second Circuit dismissed the Intervenors’ Appeal on February 8, 2017; denied the Intervenors’ petitions for panel rehearing and rehearing en banc on April 11, 2017; and, following the United States Supreme Court’s denial of GEO’s petition for certiorari, issued its mandate to this Court on October 13, 2017, ECF No. 186;

WHEREAS, on October 31, 2017, the Court entered the Parties’ stipulation resolving all of Plaintiffs’ outstanding claims for production of responsive records in this case, and setting a schedule for the Parties to negotiate and, if necessary, brief Plaintiffs’ claim for attorneys’ fees and litigation costs pursuant to 5 U.S.C. § 552(a)(4)(E) (the “Stipulation and Briefing Order”), ECF No. 189; and

WHEREAS, the Parties now wish to settle Plaintiffs’ claim for attorneys’ fees and litigation costs with the exception of any fees or costs incurred in relation to the Intervenors’ Appeal.

NOW, THEREFORE, it is hereby STIPULATED and AGREED between the Parties as follows:

1. In accordance with the Stipulation and Briefing Order, on or before March 2, 2018, Plaintiffs will submit an application for attorneys' fees and costs relating solely to the Intervenor's Appeal. The Agencies reserve their right to oppose Plaintiffs' application on any and all grounds, including that the Court did not order any relief as to the Agencies, nor did the Agencies change their position, in relation to the Intervenor's Appeal.

2. The Agencies shall pay Plaintiffs the total sum of two hundred twenty thousand dollars (\$220,000) for attorneys' fees and litigation costs; of this amount, ICE will pay Plaintiffs one hundred eighty thousand dollars (\$180,000) and DHS will pay Plaintiffs forty thousand dollars (\$40,000). Except as relates to Plaintiffs' demand for attorneys' fees and costs with respect to Intervenor's Appeal, these payments shall constitute full and final satisfaction of any claims by Plaintiffs for attorneys' fees and litigation costs in this matter, and they are inclusive of any interest. The payments shall be made by electronic funds transfer, and counsel for Plaintiffs will provide the necessary information to counsel for the Agencies to effectuate the transfers.

3. Plaintiffs release and discharge the Agencies and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims and causes of action that Plaintiffs asserted, or could have asserted, in this litigation arising out of the Requests, except with regard to Plaintiffs' claim for attorneys' fees and costs relating to the Intervenor's Appeal.

4. Nothing in this Stipulation and Order shall constitute an admission that the Agencies are liable for any attorneys' fees or litigation costs, or that Plaintiffs "substantially prevailed" in this action under 5 U.S.C. § 552(a)(4)(E), or are entitled to or eligible for any attorneys' fees or litigation costs. This Stipulation and Order is entered into by the Parties solely for the purpose of compromising disputed claims in this case and avoiding the expenses and risks

of further litigation concerning Plaintiffs' claims for attorneys' fees and litigation costs. This Stipulation and Order is non-precedential with respect to any other proceeding involving any of the parties, including, but not limited to, any other FOIA action or administrative proceeding, and shall have no effect or bearing on any pending or future request for records made by Plaintiffs under FOIA.

5. This Stipulation and Order contains the entire agreement between the Parties, and no statement, representation, promise, or agreement, oral or otherwise, between the Parties or their counsel that is not included herein shall have any force or effect.

6. This Stipulation and Order may be executed in counterparts. Facsimile or pdf signatures shall constitute originals.

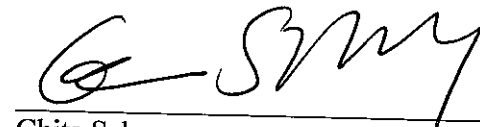
7. This Order shall be effective only upon entry by the Court, and shall have no effect otherwise.

Dated: New York, New York
March 1, 2018

Dated: March 2, 2018
New York, New York

SO ORDERED


HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

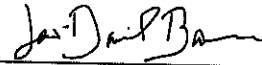

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Counsel for Plaintiffs

Dated: New York, New York
March 1, 2018

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Counsel for the Agencies

SO ORDERED:

The Honorable Lorna G. Schofield
United States District Judge

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Date